

1 BILL NO. Z-84-07-11

2 ZONING MAP ORDINANCE NO. Z-19-84

3 AN ORDINANCE amending the City of  
4 Fort Wayne Zoning Map No. M-18.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
6 WAYNE, INDIANA:

7 SECTION 1. That the area described as follows is hereby  
8 designated an R-3 (Multiple Family Residential) District under the terms  
9 of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

10 Lot Numbered 5 in Centlivre Park Addition except the  
11 Eastern 15 feet; more particularly described as follows:  
12 Beginning at the Northwest corner of said Lot 5 in  
13 Centlivre Park Addition, being the intersection of the  
14 of the right-of-way lines of Eastbrook Drive and Young's  
15 Drive; thence North 88 degrees, 32 minutes, 31 seconds  
16 East along the southerly right-of-way of Young's Drive  
17 a distance of 239.00 feet to a PK nail; thence South 03  
18 degrees, 57 minutes, 44 seconds East along the Westerly  
19 right-of-way of North Clinton Street (State Road #27) a  
20 distance of 319.00 feet to a PK nail; thence southerly  
21 along the westerly right-of-way of North Clinton Street  
22 a distance of 259.91 feet along an arc to the right,  
23 having a radius of 5689.58 feet and subtended by a long  
24 chord having a bearing of South 02 degrees, 39 minutes,  
25 29 seconds East a length of 259.89 feet; thence South  
26 46 degrees, 36 minutes, 46 seconds West a distance of  
27 19.33 feet to a concrete State Highway right-of-way  
28 marker; thence North 59 degrees, 31 minutes, 59 seconds  
29 West along the Northerly right-of-way of Grove Street,  
30 a distance of 220.68 feet to an iron pin; thence North  
31 08 degrees, 08 minutes, 44 seconds West along the  
32 easterly right-of-way of Eastbrook Drive a distance  
of 479.55 feet to the point of beginning; containing  
2.69 acres, more or less, subject to all easements  
and rights-of-way, all as being shown as Instrument  
#81-012843, in the Office of the Recorder of Allen  
County,

and the symbols of the City of Fort Wayne Zoning Map No. M-18, as established  
by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana  
are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and  
effect from and after its passage and approval by the Mayor.

Janet Bradbury  
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

Bruce O. Boxberger  
BRUCE O. BOXBERGER, CITY ATTORNEY



Read the first time in full and on motion by Bradbury, seconded by Salinas, and duly adopted, read the second time by title and referred to the Committee City Relations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ .M., E.S.

DATE: 7-10-84

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Stier, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 8-14-84

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ANNEXATION~~) (~~APPROPRIATION~~) (~~GENERAL~~) (~~SPECIAL~~) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 3-19-84 on the 14th day of August, 1984,

ATTEST:

Sandra E. Kennedy

(SEAL)

Ray A. E. E. E.

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of August, 1984, at the hour of 11:20 o'clock A. .M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15th day of August, 1984, at the hour of 3:00 o'clock P. .M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR., MAYOR



PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. \_\_\_\_\_

THIS IS TO BE FILED IN DUPLICATE

DATE FILED \_\_\_\_\_

INTENDED USE Offices

I/We CALVARY TEMPLE CHURCH, INC.  
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-2 District to a/an R-3 District the property described as follows:

Lot Numbered 5 in Centlivre Park Addition except the Eastern 15 feet; more particularly described as follows: Beginning at the Northwest corner of said Lot 5 in Centlivre Park Addition, being the intersection of the right-of-way lines of Eastbrook Drive and Young's Drive; thence North 88 degrees, 32 minutes, 31 seconds East along the southerly right-of-way of Young's Drive a distance of 239.00 feet to a PK nail; thence South 03 degrees, 57 minutes, 44 seconds East (Legal Description) If additional space is needed, use reverse side. along the westerly right-of-way of North Clinton Street (State Road #27) a distance of 319.00 feet to a PK nail; thence southerly along the westerly right-of-way of North Clinton Street a distance of (CONTINUED ON REVERSE SIDE) (General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>CALVARY TEMPLE CHURCH, INC.</u>	<u>1400 W. Washington Center Road</u>	By: <u><i>Paul E. Paino</i></u>
<u>Paul E. Paino, President</u>	<u>Fort Wayne, IN 46825</u>	_____
_____ (Name)	_____ (Address)	_____ (Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_ (OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.		
<u>Ivan A. Lebamoff</u>	<u>918 South Calhoun Street</u>	<u>219/423-2581</u>
<u>(Name)</u>	<u>(Address &amp; Zip Code)</u>	<u>(Telephone Number)</u>

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.



Legal Description of property to be rezoned.

259.91 feet along an arc to the right, having a radius of 5689.58 feet and subtended by a long chord having a bearing of South 02 degrees, 39 minutes, 29 seconds East and a length of 259.89 feet; thence South 46 degrees, 36 minutes, 46 seconds West a distance of 19.33 feet to a concrete State Highway right-of-way marker; thence North 59 degrees, 31 minutes, 59 seconds West along the Northerly right-of-way of Grove Street, a distance of 220.68 feet to an iron pin; thence North 08 degrees, 08 minutes, 44 seconds West along the easterly right-of-way of Eastbrook Drive a distance of 479.55 feet to the point of beginning; containing 2.69 acres, more or less, subject to all easements and rights-of-way, all as being shown as Instrument #81-012843, in the Office of the Recorder of Allen County.

Owners of Property

CALVARY TEMPLE CHURCH, INC.

1400 W. Washington Center Road

By: *Paul E. Paino*

Paul E. Paino, President

Fort Wayne, IN 46825

(Name)

(Address)

(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 10, 1984, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-84-07-11; and

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 16, 1984;

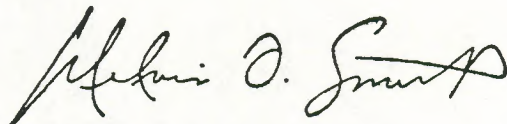
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Finding of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 23, 1984.

Certified and signed this  
25th day of July 1984.



Melvin O. Smith  
Secretary



# FACT SHEET

Z-84-07-11

BILL NUMBER

## Division of Community Development & Planning

### BRIEF TITLE

Zoning Ordinance Amendment

### APPROVAL DEADLINE

None

### REASON

### DETAILS

#### Specific Location and/or Address

2901 North Clinton - Northeast corner of North Clinton & Grove Avenue

#### Reason for Project

Convert existing structure into offices.

#### Discussion (Including relationship to other Council actions)

Nancy Eschoff Boyer, attorney representing the petitioners stated that if this rezoning is granted they will then apply to the BZA for a variance to allow offices in this building. She gave the following facts regarding the property:

- was used previously as a church, day care center, & school facilities
- building is now vacant has little hope of being reused if not rezoned
- property has adjacent asphalt parking lot for 250 cars almost double what is required by the ordinance
- building has 3 means of access from Clinton and 2 from Eastbrook
- felt the R-1 would be an appropriate zoning for this residential area and would act as a buffer by not allowing commercial encroachment.

Nadine Gibson, Irvington Park Assn. stated that if this rezoning were to be granted they would request that a covenant be placed on the property limiting the use of the R-3 to professional offices.

Ben Eisbart suggested that prior to the

### POSITIONS

### RECOMMENDATIONS

#### Sponsor

City Plan Commission

#### Area Affected

City Wide

Other Areas

#### Applicants/ Proponents

#### Applicant(s)

Calvary Temple, Inc.

City Department

Other

#### Opponents

#### Groups or Individuals

Nadine Gibson, Pres.  
Irvington Park Assn.  
Basis of Opposition

#### Staff Recommendation

☒ For ☐ Against

Reason Against

#### Board or Commission Recommendation

#### By

☒ For ☐ Against  
☐ No Action Taken

☐ For with revisions to conditions  
(See Details column for conditions)

#### CITY COUNCIL ACTIONS (For Council use only)

☐ Pass ☐ Other

☐ Pass (as amended) ☐ Hold

☐ Council Sub. ☐ Do not pass



# DETAILS

Business Meeting (7-23-84) that representatives for Calvary Temple, along with appropriate Plan Commission staff and representatives from the neighborhood meet and work out any problems they may have.

July 23, 1984 Business Meeting

The Site Committee for the Plan Commission recommended approval subject to the following restrictions:

- 10 foot wide landscape buffer along Eastbrook and Clinton
- remove chain link fence at Northeast corner of Eastbrook and Grove
- parking lot should be stripped.
- covenant restricting R-3 uses should be worded out with neighborhoods before approval of BZA

A letter was received from the attorney representing Calvary Temple signed by the attorney for the neighborhood associations agreeing in principal that their concerns are similar and could be resolved at the Board of Zoning Appeals level and the proposed use of the site for professional or commercial offices is not objectional to the Associations, provided that the R-3 classification is so limited.

Ms. Boyer, attorney for Calvary Temple stated that her clients had no problems with any of the conditions stated.

Motion was made and carried to approve the request.

## POLICY / PROGRAM IMPACT

Policy or Program Change	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date June 6, 1984

Projected Completion or Occupancy

Date July 25, 1984

Fact Sheet Prepared by

Pat Biancaniello

Date July 25, 1984

Reviewed by

Date

Reference or Case Number



**ORIGINAL**

DIGEST SHEET

**ORIGINAL**TITLE OF ORDINANCE Zoning Ordinance Amendment3-84-07-11DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&PSYNOPSIS OF ORDINANCE Lot number 5 except the Eastern 15 feet in Centlivre Park  
Addition.Councilmanic District No. 3EFFECT OF PASSAGE Property is now zoned R-2 - Two Family Residential. Property  
will become R-3 - Multiple Family Residential.EFFECT OF NON-PASSAGE Property will remain R-2 - Two Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE (J.N.)) \_\_\_\_\_



## RECEIPT

No 10712

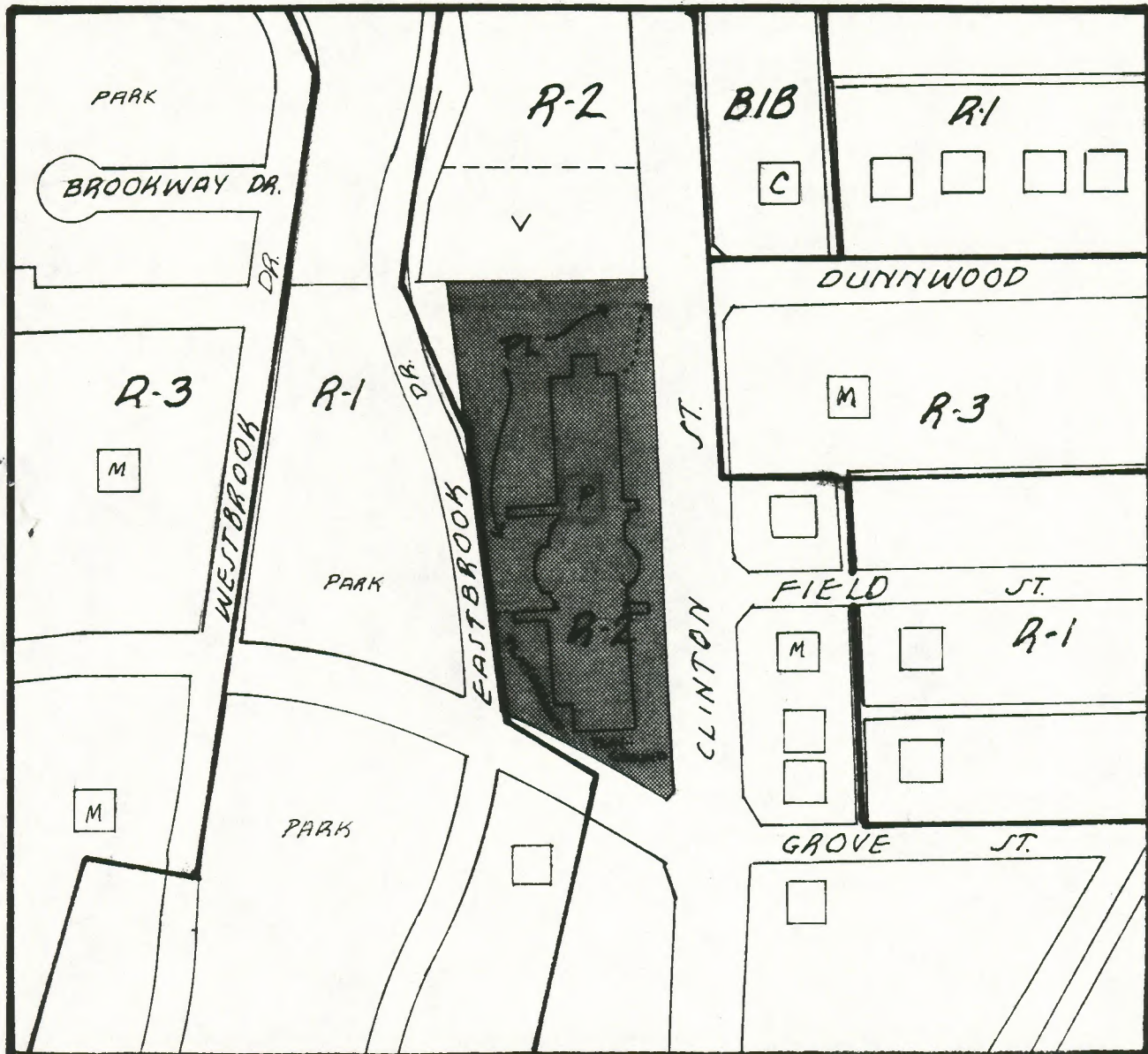
COMMUNITY DEVELOPMENT &amp; PLANNING

FT. WAYNE, IND., June 6 1984RECEIVED FROM Labanoff Law Office \$ 50<sup>00</sup>THE SUM OF Fifty and no/one hundred <sup>100</sup> DOLLARSON ACCOUNT OF Re: zoning letter for Calvary Temple Churchcheck #  
13896W. Off  
AUTHORIZED SIGNATURE



# ZONING PETITION - 77

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING DESCRIBED PROPERTY FROM AN R-2 DISTRICT TO AN R-3 DISTRICT.



COUNCILMANIC DISTRICT #3

ZONING

LAND USE

R-1 RESIDENTIAL DISTRICT (SINGLE)  
 R-2 RESIDENTIAL DISTRICT (DUPLICATE)  
 R-3 RESIDENTIAL DISTRICT (MULTIPLE)  
 B-1-B BUSINESS DISTRICT

□ SINGLE-FAMILY  
 M MULTI-FAMILY  
 C COMMERCIAL  
 P PUBLIC-INSTITUTIONAL  
 PL PARKING LOT  
 V VACANT

SCALE: 1"=200'

MAP NO. M-18

6-12-84

NORTH



# 7-94-07-11



BILL NO. Z-84-07-11

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN  
ORDINANCE amending the City of Fort Wayne Zoning Map No. M-18

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

JANET G. BRADBURY, CHAIRWOMAN

SAMUEL J. TALARICO, VICE CHAIRMAN

CHARLES B. REDD

MARK E. GIAQUINTA

JAMES S. STIER

Janet G. Bradbury  
Samuel J. Talarico

Charles B. Redd  
Mark E. Giaquinta

James S. Stier

CONCURRED IN

8-14-84  
SANDRA E. KENNEDY, CITY CLERK